CMPMO No.288 of 2007.

12.12.2007. Present: Mr. B.S. Chauhan, Advocate, for the petitioner.

It has been clearly observed and held by both the Courts below that the respondents are raising construction, or intend to raise construction over the land in question strictly as per the sanction granted by the Town and Country Planning Department. It has also been held by both the Courts below that the respondents do not intend to encroach upon the land of the petitioner. Based on these findings, both the Courts below have rightly refused to grant any temporary injunction in favour of the petitioner. No interference is called for.

If at any stage the petitioner feels or finds that the permission granted by the Town and Country Planning Department is either being violated or is not being observed by the respondents or that the respondents actually and in fact in any manner encroach upon the land of the petitioner, it shall be open to the petitioner to file a fresh application either in the trial Court or to take such alternative measures as the petitioner might be advised. On this being done, the trial Court or any other authority shall, after obtaining the response of the respondents, pass appropriate orders on the merits of the case and in accordance with law.

The petition is dismissed.

CMP No.1004 of 2007.

In view of the dismissal of the main petition, this application shall stand dismissed.

12th December, 2007. (V.K. Gupta), C.J.
(tr)